

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Entry of this Supplemental Amendment is requested under MPEP 714.03(a) since some claims are being cancelled, some of the Examiner's suggestions are being adopted, and it would simplify issues, if any, for appeal.

Claim 1-66 were cancelled in the response filed on December 23, 2009 and claims 67-130 were added as new claims.

This amendment changes, deletes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 67-80, 82-125 and 127-130 are now pending in this application. Claims 81 and 126 have been cancelled.

For the reasons discussed below it is respectfully urged that any further action on this application should not be made final. As discussed below, certain art has come to the attention of the Applicant which had not previously been known to the Applicant and was not cited by the Examiner. In addition, certain correspondence from the Examiner suggests that important features of the invention have not been appreciated.

In e-mail correspondence to the undersigned on April 1, 2010, the Examiner suggested certain claim changes and allowable subject matter. The Examiner's April 1, 2010 correspondence indicated that he was required to act on the case by April 12, 2010. In order to expedite the matter, the undersigned requested a personal interview, which the Examiner scheduled for Tuesday, April 6 at 11:00 AM. The Examiner also agreed that the inventor and his assistant could attend the interview and demonstrate the invention. However, at 7:16 AM on April 6, 2010, the day of the interview, the Examiner abruptly cancelled the interview and indicated that applicant could accept the Examiner's proposed amendment by noon that day of face a final rejection.

The Examiner's April 1, 2010 correspondence indicated that the claims would be allowable if limited to "periodically auctioning real estate online in a plurality of geographic regions." Applicants requested the interview to demonstrate that the invention is not drawn

to the auctioning of real estate. Had the demonstration occurred, it would have been clear that the invention is drawn to providing geographically and contextually based information to a user of a computer network, such as a client-server network. The invention is not limited to any particular field of endeavor.

In a telephone message on April 6, 2010, the Examiner indicated that he found support for the allowable subject matter at page 14, lines, 11 and 12, which disclose “The HUD Infosite can auction off each region periodically, for example every three months.” This sentence has been taken out of context and entirely misunderstood. This portion of the disclosure has nothing to do with auctioning off real estate. Instead, the sentence relates to auctioning off regional advertising rights. The sentence (in *italics* below) appears in a discussion of one aspect of the invention, i.e., auctioning off the right to be the exclusive advertiser in a region, which is recited in dependent claims. Page 14, lines 3-18 disclose as follows (emphasis added):

As shown in stage 425, each region features five professions forming five secondary streams of income (for example): agent, lender, insurance, title and appraisal. Each of these exclusive Real Estate professionals has paid for the right to promote themselves exclusively within that region. Dividing the exclusive marketing opportunities by specialty and then by profession multiplies the potential income streams to 20 sources of income (four primary and five secondary streams). Multiplying those 20 streams by 2000 geographic regions creates 40,000 potential sources of income.

The HUD Infosite can auction off each region periodically, for example every three months. Real Estate professionals currently advertising as exclusive regional professional may have the option to either match the highest bid and maintain their exclusive regional advertiser status, or allow the bidder to assume the exclusive position. The winner will be awarded the ability to have their banner placed within the premium space on the regional pages as well as gain the benefits of exclusive rights (i.e. pre-approval forms).

Even taken out of context, the sentence cannot mean auctioning off real estate. The HUD Infosite disclosed in the specification lists foreclosures, but does not auction off real estate, the sentence does not mention auctioning real estate, and it would impossible to auction off the same real estate every three months.

In view of the misunderstanding of the claims and the disclosure, Applicant requests that further action in this case be non-final.

Applicant has adopted many of the suggestions contained in the Examiner's e-mail correspondence of April 1, 2010. For example, as suggested by the Examiner, Applicant has amended certain of the claims recite a server device and other claims to more clearly recite the contextual relationship with the geographic information provided.

The Examiner's e-mail identified Bid4Homes, which teaches auctioning real estate online in one geographic region, and Fujisaki (US 5,819,914), which teaches auctioning cars online (implicitly periodically) as the closest prior art.

Applicant again notes that the present claims are not drawn to auctioning items online. The present claims are drawn to aspects of providing information in any field of endeavor, which information is not only geographically based, but also provides a link to a second information site which has a contextual relationship to the information requested by the user. Thus, a user in Maryland searching for information about divorce law at a first site would receive the requested information and links to other geographically and contextually appropriate information sites. In this case, the user might receive links to contextually appropriate information sites for example, sites operated by divorce lawyers, process servers and valuation specialists in Maryland. Unless otherwise indicated, the user would not receive links to providers of such services in California. It is the providing of selected links to other sites based on this combination geographic and contextual information that is recited in the claims. In another example, a user in Maryland could indicate that he is searching for oncologists in Florida. In this case, the user would receive the requested information and links to contextually appropriate information sites operated by doctors, labs and other caregivers in Florida rather than Maryland. The links may be provided as a service or as advertisements for services.

The Examiner's correspondence suggests that contextual information is not given patentable weight. Applicant notes that it is not contextual information alone, but the combination of geographic information and contextual information that is a substantive limitation of the claims. Such combinations in substantive limitations are entitled to patentable weight. Page 12, lines 6-25 of the application discuss contextual information and its combination with location information in detail:

In one alternate embodiment of the present invention, the C/C device 110A provides contextual information to the server device 120 so that the server device generates and transmits information to the server device that is correlated to the contextual information provided by the C/C device 110A. Examples of such contextual information includes, for example, some characteristic(s) of the user (age, gender, nationality, etc.), profession or vocation information of the user, type of the C/C device (laptop, pager, cellular phone, electronic billboard, terminal connected to a GPS system, etc.) a subject matter of interest to the user, or any information that provides contextual information for the server device 120 to determine appropriate information (content or advertising) for transmission to the server device.....the contextual information provided by the C/C/ device can be used in combination with the location data provided by the C/C device....

CITATION OF OTHER ART NOT PREVIOUSLY KNOWN TO APPLICANT

Applicant notes that the present application, filed on November 17, 2000, claims priority to a provisional application filed on November 17, 1999. Applicant has recently become aware that on February 23, 2010, U.S. Patent 7,668,832 issued from an application filed on April 12, 2004 and that on March 16, 2010, US. Patent 7,680,796 issued from an application filed on September 3, 2003. These patents are not related to applications filed by this Applicant or anyone associated with this Applicant. While both of these applications were filed years after Applicant's filing date, they both deal with determining and/or using location information in geographically based advertising. Citations to art predating Applicant's filing dates and office actions of a co-pending application cited in one of the

patent prosecution histories are being provided in an Information Disclosure Statement being filed separately. The Examiner is referred to the USPTO files histories of the recently issued patents for more information. Applicant only just became aware of these references, since the patents in which they were cited issued within the most recent several weeks. In view of this previously unavailable art, Applicant respectfully requests that any action based on this art be non-final.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is now in condition for allowance. Alternatively, if any further action is taken to reject claims on this application, Applicant requests that it be non-final. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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